

REMARKS

Claims 1-10 and 12 remain in the application for consideration of the Examiner.

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in light of the above amendments and following remarks.

Turning now to the art rejections, Claims 1, 3, 5, and 6 were rejected under 35 U.S.C. §102(e) as being anticipated by Nasu; Claims 1-3 were rejected under 35 U.S.C. §102(e) as being anticipated by Hogan; Claim 4 were rejected under 35 U.S.C. §103 as being unpatentable over Nasu in view of Riggle and Hogan in view of Saho; Claims 7-9, 10 and 12 were rejected under 35 U.S.C. § 103 as being unpatentable over Nasu in view of Shima; Claims 5 and 6 were rejected under 35 U.S.C. §103 as being unpatentable over Hogan; and Claims 7-9 were rejected under 35 U.S.C. § 103 as being unpatentable over Hogan in view of Shima.

These rejections are respectively traversed.

Nasu does not disclose or suggest the presently claimed invention including the device driver performing at least some ECC instructions in independent Claim 1.

The C1 correction unit and C2 syndrome calculator disclosed by Nasu do not relate to a device driver.

The definition of the device driver is a device specific control program that enables a computer to work with a particular device such as a disk driver.

Please note the definition states a specific control program. What is it specific to? It is specific to the particular device and the computer.

There is no indication in Nasu that the C1 correction unit and the C2 syndrome calculator have any connection to the mass storage device. Without such a connection, C1 and C2 are not a device driver.

It is respectfully submitted that Nasu does not disclose or suggest the presently claimed invention including the facility for ECC instructions from a BIOS as defined in independent Claim 7.

The C1 correction unit and C2 syndrome calculator do not relate to a BIOS.

Hogan does not disclose or suggest the presently claimed invention including the device driver for performing at least some ECC instructions in independent Claim 1.

The Examiner alleges that Hogan software instructions are apparently part of the disk device specific control program for enabling a computer to work with a disk device and thus can be seen to be part of the device driver.

Notwithstanding the allegations of the Examiner, Hogan does not disclose that the alleged software instructions have any connection to a device driver since Hogan does not disclose a device driver.

It is respectfully submitted that Nasu does not disclose or suggest the presently claimed invention including the facility for execution of ECC instructions from a BIOS as defined in independent Claim 7.

Applicants agree with the Examiner's evidence by page 5 of the Office Action that Nasu doesn't specify that the hard disk drive ECC decoding software instructions are in system BIOS.

Hogan does not cure these defects as evidenced by page 6 of the Office Action.

Shima does not disclose or suggest the presently claimed invention including the facility for execution of ECC instructions from the BIOS as defined in independent Claim 7.

A BIOS is not seen in Shima.

Riggle and Saho do not cure the above noted defects.

It is respectfully submitted that Claims 1-10 and 12 patentably define over the applied art.

Claims 1-10 and 12 are provisionally rejected under the doctrine of obviousness-type double patenting.

Since this is a provisional rejection, Applicants request that this rejection be held in abeyance.

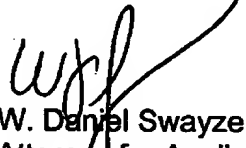
In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicant petitions for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including

extension of time fees, to the deposit account of Texas Instruments Incorporated,
Account No. 20-0668.

Respectfully submitted,



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